

## Form 3015-1 - Chapter 13 Plan

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

## CHAPTER 13 PLAN - MODIFIED

In re:

Johnathan M Macon  
Teresa C Macon

Dated: August 16, 2016

DEBTOR

Case No. 16-31633

*In a joint case,  
debtor means debtors in this plan.*

## 1. DEBTOR'S PAYMENTS TO THE TRUSTEE —

- a. As of the date of this plan, the debtor has paid the trustee \$ 0.00.
- b. After the date of this plan, the debtor will pay the trustee \$ 200.00 \* per Month for 36 months, beginning within 30 days after the order for relief for a total of \$ 8,760.00. The minimum plan payment length is X 36 or 60 months from the date of the initial plan payment unless all allowed claims are paid in a shorter time.
- c. The debtor will also pay the trustee \_\_\_\_
- d. The debtor will pay the trustee a total of \$ 8,760.00 [line 1(a) + line 1(b) + line 1(c)].

2. PAYMENTS BY TRUSTEE — The trustee will pay from available funds only creditors for which proof of claim have been filed. The trustee may collect a fee of up to 10% of plan payments, or \$ 876.00, [line 1(d) x .10].

## 3. ADEQUATE PROTECTION PAYMENTS [§ 1326(a)(1)(C)] — The trustee will promptly pay from available funds adequate protection payments to creditors holding allowed claims secured by personal property, according to the following schedule, beginning in month one (1).

Creditor	Monthly Payment	Number of Months	Total Payments
<b>-NONE-</b>	\$		\$
a. TOTAL			<b>0.00</b>

## 4. EXECUTORY CONTRACTS AND UNEXPIRED LEASES [§ 365] — The debtor assumes the following executory contracts or unexpired leases. Cure provisions, if any, are set forth in ¶ 7.

Creditor	Description of Property
<b>-NONE-</b>	

## 5. CLAIMS NOT IN DEFAULT — Payments on the following claims are current and the debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any.

Creditor	Description of Property
a. <b>UNITED PRAIRIE BANK</b>	<b>1996 Chevrolet Impala SS 78000 miles</b>
b. <b>US DEPT OF HOUSING &amp; URBAN DEV</b>	<b>Homestead: 756 1st Ave S South St. Paul, MN 55075</b>

6. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5) and § 1322(e)] — The trustee will cure defaults on the following claims secured only by a security interest in real property that is the debtor's principal residence. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens. All following entries are estimates. The trustee will pay the actual amounts of default.

Creditor	Amount of Default	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. <b>US BANK HOME MORTGAGE</b>	\$ <b>1,000.00</b>	\$ <b>45.45</b>	<b>13</b>	<b>22</b>	\$ <b>1,000.00</b>
b. TOTAL					\$ <b>1,000.00</b>

7. CLAIMS IN DEFAULT [§ 1322 (b)(3) and (5) and § 1322(e)] — The trustee will cure defaults on the following claims as set forth below. The debtor will pay for the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any. All following entries are estimates, except for interest rate.

Creditor	Amount of Default	Int. rate (if applicable)	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. <b>City of South St. Paul</b>	\$ <b>976.13</b>	<b>5</b>	\$ <b>49.17</b>	<b>13</b>	<b>22</b>	\$ <b>1,081.69</b>

Creditor	Amount of Default	Int. rate (if applicable)	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
b. TOTAL						\$ <u>1,081.69</u>

8. **OTHER SECURED CLAIMS; SECURED CLAIM AMOUNT IN PLAN CONTROLS** [§ 1325(a)(5)] — The trustee will pay, on account of the following allowed secured claims, the amount set forth in the "Total Payments" column, below. The creditors will retain liens securing the allowed claims until the earlier of the payment of the underlying debt determined under nonbankruptcy law, or the date of the debtor's discharge. NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. § 1327, AND CONFIRMATION OF THE PLAN IS A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM.

Creditor	Claim Amount	Secured Claim	Int. Rate	Beg. in Mo. #	(Monthly Pmnts)	(No. of Pmnts)	=	Pmnts on Account of Claim	+	(Adq. Prot. from ¶ 3)	=	TOTAL PAYMENTS
a. <b>WISCONSIN AUTO TITLE</b>	\$ <u>2,400.00</u>	\$ <u>2,400.00</u>	<u>6</u>	<u>13</u>	\$ <u>123.40</u>	<u>22</u>		\$ <u>2,714.81</u>		\$ <u>0.00</u>		\$ <u>2,714.81</u>
b. TOTAL												\$ <u>2,714.81</u>

9. **PRIORITY CLAIMS** — The trustee will pay in full all claims entitled to priority under § 507, including the following. The amounts listed are estimates. The trustee will pay the amounts actually allowed.

Creditor	Estimated Claim	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. <b>Attorney Fees</b>	\$ <u>2,310.00</u>	\$ <u>177.69</u>	<u>1</u>	<u>13</u>	\$ <u>2,310.00</u>
b. <b>INTERNAL REVENUE SERVICE</b>	\$ <u>0.00</u>	\$ <u>0.00</u>	<u>36</u>	<u>0</u>	\$ <u>0.00</u>
c. <b>MN DEPT OF REVENUE</b>	\$ <u>0.00</u>	\$ <u>0.00</u>	<u>36</u>	<u>0</u>	\$ <u>0.00</u>
d. TOTAL					\$ <u>2,310.00</u>

10. **SEPARATE CLASSES OF UNSECURED CREDITORS** — In addition to the class of unsecured creditors specified in ¶ 11, there shall be separate classes of non-priority unsecured creditors described as follows: **-NONE-**.  
The trustee will pay the allowed claims of the following creditors. All entries below are estimates.

Creditor	Interest Rate (if any)	Claim Amount	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. <b>-NONE-</b>						\$ <u>0.00</u>
b. TOTAL						\$ <u>0.00</u>

11. **TIMELY FILED UNSECURED CREDITORS** — The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶ 2, 3, 6, 7, 8, 9 and 10 their pro rata share of approximately \$ 777.50 [line 1(d) minus lines 2, 6(b), 7(b), 8(a), 9(d) and 10(a)].

- a. The debtor estimates that the total unsecured claims held by creditors listed in ¶ 8 are \$ 0.00.
- b. The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 8 and ¶ 10) are \$ 44,968.00.
- c. Total estimated unsecured claims are \$ 44,968.00 [line 11(a) + line 11(b)].

12. **TARDILY-FILED UNSECURED CREDITORS** — All money paid by the debtor to the trustee under ¶ 1, but not distributed by the trustee under ¶ 2, 3, 6, 7, 8, 9, 10 or 11 will be paid to holders of nonpriority unsecured claims for which proofs of claim were tardily filed.

13. **OTHER PROVISIONS** —

\*The plan is a step plan which will pay as follows: \$200.00 Monthly for 23 months, then \$320.00 Monthly for 13 months

Special Intentions:

WYNDHAM DISCOVERY: Debtor is surrendering the Property to Creditor in full satisfaction of the secured claim. Creditor shall be allowed an unsecured claim for the deficiency balance owed.

The debtors shall send the Trustee each year during the Chapter 13 Plan copies of their federal and state income tax returns at the time they are filed. The debtors shall also promptly report to the Trustee the receipt of any state and federal tax refunds for the duration of this Chapter 13 case. Joint debtors shall be entitled to retain the first \$2,000 of refunds plus any earned income credit (EIC) plus any Minnesota Working Family credit. Any remaining amounts shall be turned over to the Chapter 13 plan as additional plan payment.

As to the claims dealt with in paragraphs 4, 5, 6, or 7, in the event of the surrender, foreclosure, or repossession of the collateral for any reason, the balance of the secured creditors' claims, if any, will be paid as a general unsecured claim without priority, and will be discharged by the discharge granted pursuant to 11 U.S.C. § 1328.

**Student loans with ACS GCO Educational Loan Fund and/or the US Department of Education and/or its assigns shall each be paid its pro-rata share as a nonpriority general unsecured creditor by the trustee (acct. # 8521).**

**14. SUMMARY OF PAYMENTS —**

Trustee's Fee [Line 2]	\$	<b>876.00</b>
Home Mortgage Defaults [Line 6(b)]	\$	<b>1,000.00</b>
Claims in Default [Line 7(b)]	\$	<b>1,081.69</b>
Other Secured Claims [Line 8(b)]	\$	<b>2,714.81</b>
Priority Claims [Line 9(d)]	\$	<b>2,310.00</b>
Separate Classes [Line 10(a)]	\$	<b>0.00</b>
Unsecured Creditors [Line 11]	\$	<b>777.50</b>
<b>TOTAL [must equal Line 1(d)]</b>	<b>\$</b>	<b>8,760.00</b>

*Insert Name, Address, Telephone and License Number of Debtor's Attorney:*

**Matthew M. Tande 388339**  
**Prescott & Pearson, P.A.**  
**Po Box 120088**  
**New Brighton, MN 55112-0088**  
**(651) 633-2757**  
**388339**

Signed /s/ Johnathan M Macon  
**Johnathan M Macon**  
DEBTOR

Signed /s/ Teresa C Macon  
**Teresa C Macon**  
DEBTOR (if joint case)

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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In re:

Johnathan M. Macon  
Teresa C. Macon,

BKY No. 16-31633–WJF  
Chapter 13

Debtors.

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**NOTICE OF HEARING AND MOTION TO APPROVE MODIFIED PLAN**

TO: The debtors; US Trustee; Chapter 13 Trustee; and creditors and parties in interest.

1. The debtors, by the undersigned attorney, move the court for approval of the modified plan dated August 16, 2016.
2. The court will hold a hearing on this motion at 10:30 a.m. on September 22, 2016 in Courtroom No. 2B, U.S. Bankruptcy Court, Second Floor, U.S. Courthouse, 316 North Robert Street, St. Paul, MN 55101.
3. Any objection to this modified plan must be filed and served not later than September 16, 2016 which is 5 days before the time set for the hearing including Saturdays, Sundays and holidays. **UNLESS AN OBJECTION TO THE PLAN IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**
4. This court has jurisdiction over this motion pursuant to 28 U.S.C. Sec 157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-1. The petition commencing this Chapter 13 case was filed. This case is now pending in this court.
5. The plan is being modified to provide for the treatment of a secured claim by US Department of Housing and Urban Development, and to provide for the payment of secured utility bill arrears to the City of South St. Paul.

Dated: August 16, 2016

**Prescott & Pearson, P.A.**

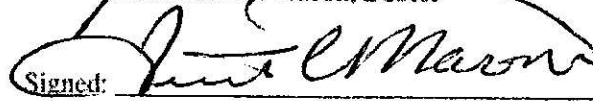
/s/ Matthew M. Tande  
Matthew M. Tande, Atty Reg. No. 388339  
443 Old Highway 8 NW, Suite 208  
New Brighton, MN 55112  
Telephone: (651) 633-2757  
Attorneys for Debtor

**VERIFICATION**

Johnathan M. Macon and Teresa C. Macon, the Debtors named in the Notice of Hearing and Motion to Approve Modified Plan, declare under penalty of perjury that the information therein contained is true and correct to the best of our knowledge, information, and belief.

Dated: 8-18-16

Signed:   
Johnathan M. Macon, Debtor

Signed:   
Teresa C. Macon, Debtor

DISTRICT OF MINNESOTA  
UNITED STATES BANKRUPTCY COURT

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In re:

Jonathan M. Macon  
Teresa C. Macon

Debtor(s)

Bky Case No: 16-31633  
Chapter 13

UNSWORN DECLARATION OF SERVICE

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Ashly Volavka, an employee of Prescott & Pearson, P.A., attorneys licensed to practice law in this court, with office address of 443 Old Highway 8 Northwest Suite 208, P.O. Box 120088, New Brighton, Minnesota 55112, declares that on August 25, 2016, she served the annexed Notice of Hearing to Approve Modified Plan and Modified Chapter 13 Plan upon each of the entities named below by mailing to each of them a copy thereof by enclosing same in an envelope with first class mail postage prepaid and depositing same in the post office at New Brighton, Minnesota, addressed to each of them as follows:

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SEE ATTACHED LIST

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and delivered to each entity below by way of electronic transmission by the United States Bankruptcy Court:

Gregory A. Burrell, Trustee  
Office of the US Trustee

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And she declares under penalty of perjury, that the foregoing is true and correct.

Executed: August 25, 2016

/e/ Ashly Volavka

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Ashly Volavka

ALLINA HEALTH  
WOODBURY CLINIC  
2925 CHICAGO AVE  
MINNEAPOLIS MN 55407-1321

CITY OF S ST PAUL  
125 3RD AVE N  
S ST PAUL MN 55075

DIRECTV  
PO BOX 78626  
PHOENIX AZ 85062-8626

AMERICAN ACCTS & ADVISORS  
7460 80TH ST S  
COTTAGE GROVE MN 55016

CITY OF SOUTH ST. PAUL  
ATTN: UTILITY BILLING  
125 3RD AVENUE NORTH  
SOUTH ST. PAUL MN 55075

DIRECTV LLC  
ATTN BANKRUPTCIES  
PO BOX 6550  
GREENWOOD VILLAGE CO 801

AMERICAN WEB LOAN  
2128 N 14TH ST SUITE 1 #130  
PONCA CITY OK 74601

CLIENT SERVICES  
3451 HARRY S TRUMAN BLVD  
ST CHARLES MO 63301-4047

FAIRVIEW HEALTH SERVICES  
PO BOX 9372  
MINNEAPOLIS MN 55440

APPLY ADVANCE  
CASHNET USA  
175 W JACKSON BLVD #1000  
CHICAGO IL 60604

COMENITY BANK VICTORIA'S SEC  
PORTFOLIO RECOVERY  
PO BOX 41067  
NORFOLK VA 23541

FAIRVIEW HEALTH SERVICES  
400 STINSON BLVD NE  
MINNEAPOLIS MN 55413-261

ARS NATIONAL SVCS INC  
PO BOX 469100  
ESCONDIDO CA 92046

COMENITY CAPITAL BANK PAYPAL  
AMERICAN CORADIUS INTL  
35A RUST LANE  
BOERNE TX 78006

FIRSTSOURCE ADVANTAGE LL  
205 BRYANT WOODS SOUTH  
AMHERST NY 14228

BASS & ASSOCIATES  
3936 E FT LOWELL RD  
SUITE 200  
TUCSON AZ 85712-1083

COMO LAW FIRM  
PO BOX 130668  
ST PAUL MN 55113-0006

GCO TRUST C/O NELNET  
MHEAC DBA ASA  
100 CAMBRIDGE STREET #160  
BOSTON MA 02114-2518

CAPITAL ONE  
6125 LAKEVIEW RD  
SUITE 800  
CHARLOTTE NC 28269-2605

CONVERGENT OUTSOURCING  
PO BOX 9004  
RENTON WA 98057-9004

HEALTHEAST CARE SYSTEM  
NW 8947  
PO BOX 1450  
MINNEAPOLIS MN 55485-894

CAPITAL ONE BANK  
PO BOX 71083  
CHARLOTTE NC 28272-1083

CREDIT CONTROL LLC  
PO BOX 187  
HAZELWOOD MO 53042

INTERNAL REVENUE SERVICE  
CENTRALIZED INSOLVENCY O  
PO BOX 7346  
PHILADELPHIA PA 19101-73

CAPITAL ONE MASTERCARD  
6125 LAKEVIEW RD  
SUITE 800  
CHARLOTTE NC 28269-2605

DANIEL MCCLOSKEY  
ADDRESS UNKNOWN

JAMES & PATRICIA STENZEL  
93169 370TH AVE  
HERON LAKE MN 56137

JC CHRISTENSEN & CO  
PO BOX 519  
SAUK RAPIDS MN 56379-0519

ROSE LAW FIRM PLLC  
PO BOX 5560  
HOPKINS MN 55343

US BANK HOME MORTGAGE  
4801 FREDERICA STREET  
OWENSBORO KY 4201-7441

L SUND MD PA  
2515 WHITE BEAR AVE #A-8/205  
ST PAUL MN 55109

RPM  
RECEIVABLES PERFORMANCE  
PO BOX 1548  
LYNNWOOD WA 98046

VERITAS INSTRUMENT RENT  
PO BOX 950  
PINELLAS PARK FL 33780

MALACKO LAW OFFICE  
PO BOX 135  
COTTAGE GROVE MN 55016

SIMMS ASSOCIATES  
PO BOX 7526  
NEWARK DE 19714-7526

VERIZON  
500 TECHNOLOGY DR  
SUITE 500  
WELDON SPRING MO 63304

MN DEPT OF REVENUE  
551 BKY SECTION CEU DEPT  
PO BOX 64447  
ST PAUL MN 55164

ST PAUL RADIOLOGY  
PO BOX 812  
INDIANAPOLIS IN 45206

VIP LOAN SHOP  
PO BOX 283  
FLANDREAU SD 57028

NATIONAL CHECK RESOLUTION  
PO BOX 491406  
LAWRENCEVILLE GA 30049

SUMMIT ORTHOPEDICS LTD  
SDS 12-2901  
PO BOX 86  
MINNEAPOLIS MN 55486-2901

VIP LOAN SHOP  
4849 EAGLE ROCK ROAD  
HUDSON WI 54016-2135

NORTHLAND GROUP, INC  
PO BOX 390905  
MINNEAPOLIS MN 55439

TROJE'S TRASH SVC  
CREDITOR ADVOCATES INC  
1551 SOUTHCROSS DR W #C  
BURNSVILLE MN 55075

VISION FINANCIAL CORP  
PO BOX 7477  
ROCKFORD IL 61126

ONEMAIN FINANCIAL  
6801 COLWELL BLVD  
NTSB-2320  
IRVING TX 75039

U OF M PHYSICIANS  
SDS 12 1562  
PO BOX 86  
MINNEAPOLIS MN 55486-1562

WISCONSIN AUTO TITLE  
1407 COULEE RD  
HUDSON WI 54016

ONEMAIN FINANCIAL  
PO BOX 70912  
CHARLOTTE NC 28272-0912

UNITED CONSUMER FIN SVCS  
865 BASSETT RD  
WESTLAKE OH 44145

WOODBURY SOCCER CLUB  
2630 OJEBWAY DR  
WOODBURY MN 55125

ORIN J. KIPP  
WILFORD GESKE & COOK  
7616 CURRELL BOULEVARD STE 200  
WOODBURY MN 55125

UNITED PRAIRIE BANK  
PO BOX 430  
MOUNTAIL LAKE MN 56159

WOODWINDS HEALTH  
NW 8947  
PO BOX 1450  
MINNEAPOLIS MN 55485-894



WYNDHAM DISCOVERY  
10750 W CHARLESTON  
LAS BEGAS NV 89135

Case 16-31633

Doc 17

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Desc Main

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XCEL ENERGY  
PO BOX 8  
EAU CLAIRE WI 54702

YMCA OF GREATER ST PAUL  
TRANSWORLD SYSTEMS INC  
PO BOX 15520  
WILMINGTON DE 19850

REVISED 12/15

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re  
Johnathan M Macon  
Teresa C Macon  
Debtor(s).

Case No. 16-31633

**SIGNATURE DECLARATION**

- ☐ PETITION, SCHEDULES & STATEMENTS  
☐ CHAPTER 13 PLAN  
☐ VOLUNTARY CONVERSION, SCHEDULES AND STATEMENTS  
☐ AMENDMENT TO PETITION, SCHEDULES & STATEMENTS  
☒ MODIFIED CHAPTER 13 PLAN  
☐ OTHER (PLEASE DESCRIBE: \_\_\_\_\_)

I [We], the undersigned debtor(s) or authorized representative of the debtor, make the following declarations under penalty of perjury:

1. The information I have given my attorney for the electronically filed petition, statements, schedules, amendments, and/or chapter 13 plan, as indicated above, is true and correct;
2. The Social Security Number or Tax Identification Number I have given to my attorney for entry into the court's Case Management/Electronic Case Filing (CM/ECF) system as a part of the electronic commencement of the above-referenced case is true and correct;
3. [individual debtors only] If no Social Security Number was provided as described in paragraph 2 above, it is because I do not have a Social Security Number;
4. I consent to my attorney electronically filing with the United States Bankruptcy Court my petition, statements and schedules, amendments, and/or chapter 13 plan, as indicated above, together with a scanned image of this Signature Declaration;
5. My electronic signature contained on the documents filed with the Bankruptcy Court has the same effect as if it were my original signature on those documents; and
6. [corporate and partnership debtors only] I have been authorized to file this petition on behalf of the debtor.

Date:

8-18-16

x

Signature of Debtor 1 or Authorized Representative

Signature of Debtor 2

Johnathan M Macon

Printed Name of Debtor 1 or  
Authorized Representative

Teresa C Macon

Printed Name of Debtor 2